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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10991251 -2

Inventor(s): David W. Boyd

Confirmation No.: 7554

Application No.: 10/624245

Examiner: Gibbs, Heather D.

Filing Date: Jul 21, 2003

Group Art Unit: 2622

Title: Digital Image Scanner With A Variable Aperture Lens And Multiple Scanning Speeds

Mail Stop Amendment  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Transmitted herewith is/are the following in the above-identified application:

Response/Amendment  
 New fee as calculated below  
 No additional fee  
 Other \_\_\_\_\_

Petition to extend time to respond  
 Supplemental Declaration

Fee\$

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	4	MINUS	20	= 0	X \$50	\$ 0
INDEP. CLAIMS	3	MINUS	3	= 0	X \$200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM + \$360 \$ 0						
EXTENSION FEE	<input checked="" type="checkbox"/> 1st Month \$120	<input type="checkbox"/> 2nd Month \$450	<input type="checkbox"/> 3rd Month \$1020	<input type="checkbox"/> 4th Month \$1590	\$ 120	
OTHER FEES \$						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT \$ 120						

Charge \$ 120 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571) 273-6300.  
Date of facsimile: Feb. 2, 2006

Typed Name: Donna M KraftSignature: Donna M Kraft

Respectfully submitted,

David W. Boyd

By

Augustus W Winfield

Augustus W Winfield

Attorney/Agent for Applicant(s)

Reg No. : 34,046

Date : Feb. 2, 2006

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PATENT APPLICATION  
ATTORNEY DOCKET NO. 10991251-2

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): **David W. Boyd**

Serial No.: **10/624,245**

Examiner: **Gibbs, Heather**

Filing Date: **07/21/2003**

Group Art Unit: **2622**

Title: **DIGITAL IMAGE SCANNER WITH A VARIABLE APERTURE LENS AND MULTIPLE SCANNING SPEEDS**

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

**REMARKS IN RESPONSE TO OFFICE ACTION**

Sir:

**REMARKS**

Claims 1-4 remain in the application. Reconsideration and reexamination is respectfully requested.

In the paper mailed 10/04/2005, claims 1-2 were rejected under 35 U.S.C. § 101 as allegedly claiming the same invention as US Patent No. 6,621,600. Applicant traverses. The claims in the present application derive from the parent of US Patent No. 6,621,600 and accordingly derive from an earlier filed application. In addition, the claims in US 6,621,600 contain additional elements not present in claims 1-2 of the present application. Accordingly, the present claims are broader, and are not the same invention as US 6,621,500. The examiner's rejection is in complete conflict with the analysis of double patenting specified in MPEP 804.

In the paper mailed 10/04/2005, claims 3-4 were rejected under 35 U.S.C. § 112 as allegedly not describing in the specification the elements of the method. Applicant traverses. Selecting first and second sampling rates, the second sampling rate being greater

than the first sampling rate, is illustrated in figure 2, steps 200 and 204, and discussed at page 6, line 27 through page 7, line 5. Scanning using a first aperture size when the sampling rate is a first sampling rate, and scanning with a second aperture size when the sampling rate is a second sampling rate, is illustrated in figure 2, steps 202, 204, 206, and 208, and discussed at page 6, line 27 through page 7, line 5. Selecting a first scanning speed or a second scanning speed, the second scanning speed being faster than the first scanning speed is illustrated in figure 3, steps 300 and 302, and discussed at page 7, lines 6-12. Scanning using a second aperture size when the scanning speed is the second scanning speed and scanning using the first aperture size when the scanning speed is the first scanning speed, the first aperture size being smaller than the second aperture size, is illustrated in figure 3, steps 302, 304, 306, and 308. and discussed at page 7, lines 6-12. Second, these claims have never been amended since the original application, and the claims are part of the application, so by definition, support for the claims is found in the original application. Finally, all of this claim language is in claims 1-2 of US 6,621,600, allowed by the same examiner, who apparently had no trouble finding support for the claims in that application

This application is considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

by A. W. Winfield

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February 2, 2006  
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